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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/710,353	07/02/2004	Connie Gurley	45550.0200	4352
20322	7590	01/08/2007		
SNELL & WILMER 400 EAST VAN BUREN ONE ARIZONA CENTER PHOENIX, AZ 85004-2202			EXAMINER VANAMAN, FRANK BENNETT	
			ART UNIT	PAPER NUMBER
			3618	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		01/08/2007	PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/710,353

Applicant(s)

GURLEY ET AL.

Examiner

Frank Vanaman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 October 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9, 11-19 and 21-27 is/are pending in the application.
- 4a) Of the above claim(s) 23-25 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9, 11-19, 21, 22, 26 and 27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **Status of Application**

1. Applicant's amendment, filed Oct. 24, 2006, has been entered in the application. Claims 1-9, 11-19, and 21-27 are pending. Claims 10 and 20 have been canceled, claims 26 and 27 have been added.
2. Claims 23-25 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention.

### **Specification**

3. The abstract of the disclosure is objected to because the phrase "[t]he present invention provides" is redundant and should be deleted. Correction is required. See MPEP § 608.01(b). Note that an abstract of the disclosure is understood to be directed to "the invention" and as such, a reference to "the invention" is redundant. Applicant may desire to amend the abstract such that it commences with "A system and method for providing..."

### **Claim Rejections - 35 USC § 103**

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
5. Claims 1, 2, 5-9, 11-19, 21, 22, 26 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rogers et al. (US 5,829,835) in view of Groglio (US 5,649,718, cited previously). Rogers et al. teach a removable system including plural portions for engaging and lining sections of a shopping cart, including a basket lining portion (70, 71; handle 72) having front, back and side walls, a child transport area lining portion (35, 37a) and a handle lining portion (top of 32), further including at least one carrier handle (41, 42), a plurality of tabs (57a, 57b; 57a', 57b') for affixing portions of the transport area lining portion and attached basket lining portion of the cart (C); the system convertible into a carrying bag for transporting articles (figures 1, 2); taught to be made from a fabric material and to further include at least a plastic layer (31a, see col. 4, line 62 through col. 5, line 2), the material being capable of receiving a printing medium such as an ink or paint.

The reference to Rogers fails to explicitly teach the basket (C) as including a front side. It is exceptionally well known in the art to provide shopping cart baskets with

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front sides so as to prevent items from being discharged from the front of the basket, and as such, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the cart basket taught by Rogers with a front side so as to prevent items from being lost through the front of the cart. The reference to Rogers, while teaching a portion which is in communication with the basket, fails to teach a liner which is explicitly in contact with a front basket portion. Groglio teaches that it is well known to provide a cart with a basket (which cart may additionally accommodate seating for a passenger) with a further attachable liner (40 in general) which engages front, rear, lateral and bottom sides of a cart. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the system of Rogers with a portion in communication therewith, which further lines the front, rear and lateral sides of the cart, as suggested by Groglio, for the purpose of ensuring more complete coverage of the cart structure than may be had with the liner system taught by Rogers.

As regards claim 7, the reference to Rogers et al. fails to explicitly teach a tab for connecting the handle liner to the cart. It is well known to duplicate an already taught element for the purpose of enhancing the function or multiplying the effect of the element, and in view of Rogers et al. teaching the use of plural tabs (57, 58) for connecting the seating area liner portions to a cart, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide further tab portions of the same structure for connecting the handle liner portion to the cart, for the purpose of providing a more secure connection of the liner portions and cart.

As regards claims 6 and 8, the reference to Rogers et al. fails to teach the tab elements as being removable, however in view of the reference teaching the use of a fastener which may be disconnected, it would have been obvious to one of ordinary skill in the art at the time of the invention to make the tabs removable, for example to allow them to be placed in different locations on the liner to engaging with carts having different shapes or structures, thus facilitating the use of the liner device with a greater number of carts.

As regards claims 13 and 16, the reference to Rogers as modified by Groglio, whilst teaching the portion 31a as being made from a plastic to prevent moisture

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damage, fails to explicitly teach that at least portion 31a is non-porous. It would have been obvious to one of ordinary skill in the art at the time of the invention to make an element taught to prevent moisture damage from a non-porous material for the purpose of containing the moisture associated with the elements which may cause the damage (e.g., bottles, cups, beverage containers, etc.).

As regards claim 27, the reference to Rogers as modified by Groglio fails to explicitly teach the provision of an advertisement on the material of the liner, in that the material is intended for use in a public space (e.g., shopping market) and inasmuch as it is very well known to place advertising indicia on items viewable in public, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide advertising indicia on the liner device for the purpose of promoting a chosen article or service.

6. Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rogers et al. in view of Groglio and Ostrowski (US 4,991,978). The reference to Rogers et al. as modified by Groglio is discussed above and fails to teach the liner as including a drawstring with a drawstring fastener. Ostrowski teaches a combination device which may be used open or closed up to form a carrier bag, being provided with a drawstring (18) and a fastener (20) for closing the device when used as a carrier (figure 1). It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the system taught by Rogers et al. as modified by Groglio with a drawstring and fastener closure (in place, for example, of the zipper fastener), as taught by Ostrowski, for the purpose of allowing the system to be closed quickly, and additionally to prevent snagging of clothing or other items when the carrier system is being closed for use as a carrier.

#### **Response to Comments**

7. Applicant's comments, filed with the amendment, have been carefully considered. Applicant's comments, directed to the reference of Rogers et al., as previously applied in anticipation against the previous claims are noted. The examiner agrees that the Rogers reference fails to teach each and every limitation of the claims as amended. Note the reference to Groglio, previously cited and now applied in

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combination, which teaches that it is well known to provide a liner which completely lines a cart, which cart is further adaptable to accommodate a passenger. As regards applicant's comments directed to the material, the examiner notes that this issue was completely treated in the previous action: Rogers teaches a further plastic element, and teaches that its use is to prevent moisture damage. Inasmuch as a porous material would be less than effective at preventing moisture damage, it was deemed an obvious modification to the already-taught material, so as to ensure that protection from moisture is successful. Applicant has pointed to a portion of Rogers' specification (col. 4, lines 52-54) however this is, *at best*, an incomplete analysis, which would properly further include a reference to col. 4, line 62 through col. 5, line 2. Care should be taken to ensure that the references associated with the prosecution of the instant application are not mis-characterized. Applicant's comments concerning the plain meaning of "cart basket liner" are noted but do not appear to require any further addressing at this time inasmuch as applicant has amended the claims to more further point out the subject matter for which protection is desired. Applicant's comments asserting a belief that "the claims as filed were not anticipated by Rogers" are noted, but, more significantly, the examiner notes that the claims as filed have been very substantially modified.

#### Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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9. Any inquiry specifically concerning this communication or earlier communications from the examiner should be directed to F. Vanaman whose telephone number is 571-272-6701.

Any inquiries of a general nature or relating to the status of this application may be made through either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

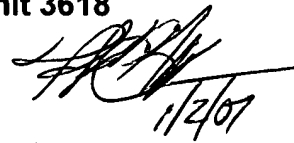
A response to this action should be mailed to:

Mail Stop \_\_\_\_\_  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450,

Or faxed to:

PTO Central Fax: 571-273-8300

**F. VANAMAN**  
**Primary Examiner**  
**Art Unit 3618**



1/2/07